

October 4, 2022

<p>Page 1</p> <p>UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK -----X MARIA SUAREZ, Plaintiff, -against 19-CV-02721-GRB-SIL SOUTHERN GLAZER'S WINE & SPIRITS OF NEW YORK, LLC, Defendant. -----X October 4, 2022 200 Broadhollow Road Melville, New York 10:30 a.m.</p> <p>EXAMINATION BEFORE TRIAL of a Defendant, Southern Glazer's Wine & Spirit, by Melissa Johnson, pursuant to Notice, held at the above-mentioned time and place, before Camille Dandola, a Notary Public of the State of New York.</p>	<p>Page 3</p> <p>1 FEDERAL STIPULATIONS 2 3 IT IS HEREBY STIPULATED AND AGREED 4 by and between the counsel for the respective 5 parties hereto, that the filing, sealing, and 6 certification of the within deposition shall 7 be and the same are hereby waived; 8 9 IT IS FURTHER STIPULATED AND AGREED 10 that all objections, except as to the 11 form of the question, shall be reserved 12 to the times of the trial. 13 14 IT IS FURTHER STIPULATED AND AGREED 15 that the within deposition may be signed before 16 any Notary Public with the same force and 17 effect as if signed and sworn to before this 18 court. 19 20 * * * * 21 22 23 24 25</p>
<p>Page 2</p> <p>1 APPEARANCES: 2 3 MOSER LAW FIRM, PC 4 Attorneys for Plaintiff 5 5 East Main Street Huntington, New York 11743 6 7 BY: STEVEN MOSER, ESQ. 8 9 CONSTANGY BROOKS SMITH & PROPHETE, LLP 10 Attorneys for Defendant 11 175 Pearl Street, Suite C-402 Brooklyn, New York 11201 12 BY: ANJANETTE CABRERA, ESQ. 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>Page 4</p> <p>1 MELISSA JOHNSON, the witness 2 herein, having been first duly sworn by a 3 Notary Public in and of the State of New York, 4 was examined and testified as follows: 5 THE REPORTER: Please state your 6 name and address for the record. 7 THE WITNESS: Melissa Johnson, 8 3063 Court Street, Syracuse, New York 9 13208. 10 EXAMINATION BY 11 MR. MOSER: 12 Q. Good morning, Ms. Johnson. My name is 13 Steve Moser. I'm an attorney. I represent Maria 14 Suarez in the case that she is bringing against 15 Southern Glazer's Wine and Spirits for retaliation 16 and for failure to pay her overtime. 17 Q. Have we ever met before today? 18 A. No. 19 Q. Have you ever testified under oath 20 before today? 21 A. No. 22 Q. Are you aware that the oath that you 23 just took to tell the truth is the same oath that 24 you would take in front of judge or jury in court? 25 A. Yes.</p>

1 (Pages 1 to 4)

October 4, 2022

<p style="text-align: right;">Page 5</p> <p>1 M. JOHNSON</p> <p>2 Q. Are you under the influence of any 3 medication or narcotics which will affect your 4 ability to testify truthfully and accurately?</p> <p>5 A. No.</p> <p>6 Q. Is there any reason that you can think 7 of why you cannot give truthful and accurate 8 testimony today?</p> <p>9 A. No.</p> <p>10 Q. If you don't understand a question of 11 mine please let me know and I will repeat it or 12 rephrase it as many times as necessary. I don't 13 want to you answer a question that you are not sure 14 that you understand.</p> <p>15 Okay?</p> <p>16 A. Yes.</p> <p>17 Q. Finally, as you just did, you responded 18 verbally. All of your responses must be verbal, no 19 nods of the head, so that the court reporter can 20 take everything down.</p> <p>21 A. Okay.</p> <p>22 Q. Are you employed?</p> <p>23 A. Yes.</p> <p>24 Q. Where are you?</p> <p>25 A. Southern Glazer's Wine and Spirits.</p>	<p style="text-align: right;">Page 7</p> <p>1 M. JOHNSON</p> <p>2 Q. How long have you been inventory 3 control manager?</p> <p>4 A. Approximately three years.</p> <p>5 Q. What was your job title before?</p> <p>6 A. WMI administrator.</p> <p>7 Q. For how long were you WMI 8 administrator?</p> <p>9 A. From 2018 until 2019.</p> <p>10 Q. Was the Syracuse facility the first 11 facility to implement WMI?</p> <p>12 A. It was one of the first. Lakeland, 13 Florida was the first one to implement it.</p> <p>14 Q. For the remainder of the deposition I'm 15 going to refer to Southern Glazer's Wine and 16 Spirits as Southern.</p> <p>17 A. That's fine.</p> <p>18 Q. Was there a recently a name change?</p> <p>19 A. It was at approximately six years ago. 20 It used to be Southern Wines and Spirits.</p> <p>21 Q. If I refer to Southern Glazer's Wine 22 and Spirits and Southern Wine and Spirits as 23 Southern, do you understand that?</p> <p>24 A. Yes.</p> <p>25 Q. What did you do before you were WMI</p>
<p style="text-align: right;">Page 6</p> <p>1 M. JOHNSON</p> <p>2 Q. What is your current job title?</p> <p>3 A. Inventory control manager.</p> <p>4 Q. Are you a supervisor?</p> <p>5 A. Manager.</p> <p>6 Q. How many people do you manage?</p> <p>7 A. Four.</p> <p>8 Q. What are their titles?</p> <p>9 A. Cycle counters.</p> <p>10 Q. What facility do you work at?</p> <p>11 A. Syracuse, New York.</p> <p>12 Q. How long have you worked at Southern 13 Glazer's Wine and Spirits.</p> <p>14 A. Seventeen-and-a-half years.</p> <p>15 Q. How did you get hired?</p> <p>16 A. It was a direct hire when the company 17 began, opened up, 2005.</p> <p>18 Q. So when that facility opened up you 19 started in the facility when it opened?</p> <p>20 A. Yes.</p> <p>21 Q. At that time who was your manager?</p> <p>22 A. Susan Meathe.</p> <p>23 Q. At any time did Kevin Randall become 24 your manager?</p> <p>25 A. No.</p>	<p style="text-align: right;">Page 8</p> <p>1 M. JOHNSON</p> <p>2 administrator?</p> <p>3 A. Pricing coordinator.</p> <p>4 Q. For how long were you the pricing 5 coordinator?</p> <p>6 A. From 2016 to 2018.</p> <p>7 Q. And before being the pricing 8 coordinating?</p> <p>9 A. I was part of customer service, credit, 10 that was the beginning of 2005 to 2006.</p> <p>11 Q. What were your job duties as pricing 12 coordinator?</p> <p>13 A. I was to obtain different places that 14 were going to be for each item and report them to 15 Metro New York in order for them to be filed by the 16 SLA.</p> <p>17 Q. What's your highest level of education?</p> <p>18 A. Associates degree in accounting.</p> <p>19 Q. What were your job duties as WMI 20 administrator?</p> <p>21 A. To ensure that the system was correct 22 at all times and to direct the cycle counters to 23 their job duties each day.</p> <p>24 Q. The WMI -- that's when you were hired 25 as WMI administrator?</p>

2 (Pages 5 to 8)

October 4, 2022

<p style="text-align: right;">Page 9</p> <p>1 M. JOHNSON</p> <p>2 A. Yes.</p> <p>3 Q. Those were your duties?</p> <p>4 A. Yes.</p> <p>5 Q. Who did you supervise when you became</p> <p>6 WMI administrator?</p> <p>7 A. Cycle counters.</p> <p>8 Q. What were their names?</p> <p>9 A. Jade, Brett, Ty.</p> <p>10 Q. What is a Jade's last name?</p> <p>11 A. Burghard.</p> <p>12 Q. Brett's last name?</p> <p>13 A. Little.</p> <p>14 Q. And Ty's last name?</p> <p>15 A. Horton.</p> <p>16 Q. As WMI administrator did you supervise</p> <p>17 any individuals other than Jay Burghard, Brett</p> <p>18 Little and Ty Horton?</p> <p>19 A. Not at the beginning, no.</p> <p>20 Q. Throughout your years as WMI</p> <p>21 administrator did you supervise any other</p> <p>22 individuals?</p> <p>23 A. Yes.</p> <p>24 Q. What other individuals did you</p> <p>25 supervisor?</p>	<p style="text-align: right;">Page 11</p> <p>1 M. JOHNSON</p> <p>2 moved to the new building and we became WMI.</p> <p>3 Q. Did you have inventory control clerks?</p> <p>4 A. Yes.</p> <p>5 Q. Before you went to the new building who</p> <p>6 supervised the inventory control clerks?</p> <p>7 A. Rick Myer, the inventory control</p> <p>8 manager.</p> <p>9 Q. What did Rick Myer do when you became</p> <p>10 the WMI administrator?</p> <p>11 A. He would become the inventory control</p> <p>12 manager.</p> <p>13 Q. Aside from the inventory control clerks</p> <p>14 did anyone else report to Richard Myer before WMI</p> <p>15 was implemented?</p> <p>16 A. I don't believe so.</p> <p>17 Q. Who was he supervising as inventory</p> <p>18 control manager when you became WMI administrator?</p> <p>19 A. He had no direct reports to him at that</p> <p>20 time.</p> <p>21 Q. So that was a supervisory position?</p> <p>22 A. He was still inventory control manager.</p> <p>23 When we became WMI it is a different system. So</p> <p>24 they split how it was handled. He became inventory</p> <p>25 control manager and there was a WMI system.</p>
<p style="text-align: right;">Page 10</p> <p>1 M. JOHNSON</p> <p>2 A. Jay Burghard still currently employed</p> <p>3 and Luigino Tranelli, David Dulcher and Clayton</p> <p>4 Valliar.</p> <p>5 Q. Are they all cycle counters?</p> <p>6 A. Yes. And I also supervised Gloria</p> <p>7 Health, she is retired.</p> <p>8 Q. Was she also a cycle counter?</p> <p>9 A. Yes.</p> <p>10 Q. Is there a union in that facility?</p> <p>11 A. There is now. It just became union in</p> <p>12 July 2021.</p> <p>13 Q. Before it became unionized did you</p> <p>14 participate in conducting performance evaluations?</p> <p>15 A. Yes.</p> <p>16 Q. For who?</p> <p>17 A. For the cycle counters.</p> <p>18 Q. Did you do performance evaluations from</p> <p>19 the date that you got the WMI administrator</p> <p>20 position until the facility went union?</p> <p>21 A. Yes.</p> <p>22 Q. Who supervised the cycle counters</p> <p>23 before you became the WMI administrator?</p> <p>24 A. There was no cycle counters at that</p> <p>25 time. We did not have cycle counters until we</p>	<p style="text-align: right;">Page 12</p> <p>1 M. JOHNSON</p> <p>2 Q. He did not have any direct reports?</p> <p>3 A. No.</p> <p>4 Q. That is not a supervisory position; is</p> <p>5 that your understanding?</p> <p>6 MS. CABRERA: Objection. She</p> <p>7 didn't say that, you said that.</p> <p>8 MR. MOSER: She can agree with it</p> <p>9 or not.</p> <p>10 MS. CABRERA: You were posting it</p> <p>11 as that is what she said.</p> <p>12 Q. Was Rich Myer a manager?</p> <p>13 A. That was his title.</p> <p>14 Q. Did he manage any people after WMI was</p> <p>15 implemented?</p> <p>16 A. He did not have any direct reports.</p> <p>17 Q. Does he still work for Southern?</p> <p>18 A. He does not. He has retired.</p> <p>19 Q. Do you have any understanding of what</p> <p>20 he did as inventory control manager after WMI was</p> <p>21 implemented?</p> <p>22 A. He was the person that made adjustments</p> <p>23 in regards to spoils and claims and other duties</p> <p>24 that had to do with the inventory directly other</p> <p>25 than regular cycle counters.</p>

3 (Pages 9 to 12)

October 4, 2022

<p style="text-align: center;">Page 13</p> <p>1 M. JOHNSON</p> <p>2 Q. Did his duties remain more or less the</p> <p>3 same from the time that WMI was implemented until</p> <p>4 he retired?</p> <p>5 A. Yes.</p> <p>6 Q. Did you work with him?</p> <p>7 A. Yes.</p> <p>8 Q. Did you report to him?</p> <p>9 A. No.</p> <p>10 Q. Who did you report to?</p> <p>11 A. I reported to the warehouse manager.</p> <p>12 Q. Who was the warehouse manager?</p> <p>13 A. Operations manager, Amis Heaton.</p> <p>14 Q. Who did Rich Myer report to?</p> <p>15 A. Amis Heaton.</p> <p>16 Q. Did your duties remain more or less the</p> <p>17 same throughout the time that you were WMI</p> <p>18 administrator at the Syracuse facility?</p> <p>19 A. Yes.</p> <p>20 Q. Did you have to do any travel as WMI</p> <p>21 administrator?</p> <p>22 A. I did not have to do any travel in</p> <p>23 regards to the job duty. I did travel to train</p> <p>24 other WMI administrators.</p> <p>25 Q. What other WMI administrators did you</p>	<p style="text-align: center;">Page 15</p> <p>1 M. JOHNSON</p> <p>2 A. One week.</p> <p>3 Q. When you went go-live in Indiana for</p> <p>4 how long did you travel?</p> <p>5 A. One week.</p> <p>6 Q. When you went go-live in Illinois did</p> <p>7 you travel one week as well?</p> <p>8 A. Yes.</p> <p>9 Q. In Texas and Albuquerque did you also</p> <p>10 travel for one week to go-live?</p> <p>11 A. Yes.</p> <p>12 Q. What did you do in these go-lives?</p> <p>13 A. I would assist the personnel that were</p> <p>14 in the division and answer any questions they had.</p> <p>15 Q. Other than assisting the personnel in</p> <p>16 the division, answering any questions that they</p> <p>17 had, did you have any other role in implementation</p> <p>18 of WMI at any of these facilities?</p> <p>19 A. No.</p> <p>20 Q. Did they have to be trained on WMI?</p> <p>21 A. They were trained before WMI goes live.</p> <p>22 I was just there to assist them to make sure that</p> <p>23 they understood exactly what they should do.</p> <p>24 Q. Who did the training?</p> <p>25 A. The SCI team. I believe it's an SCI</p>
<p style="text-align: center;">Page 14</p> <p>1 M. JOHNSON</p> <p>2 train?</p> <p>3 A. Maria Suarez and she was the only</p> <p>4 direct that I trained. I helped with the go-lives</p> <p>5 to make sure that the WMI system is correct.</p> <p>6 Q. What is a go-live?</p> <p>7 A. It's when a system is integrated into</p> <p>8 the division.</p> <p>9 Q. What other facilities did you assist</p> <p>10 with go-lives with?</p> <p>11 A. Delaware, Maryland, South Carolina,</p> <p>12 Indiana, Illinois, Katy, Texas and Albuquerque, New</p> <p>13 Mexico.</p> <p>14 Q. When they did a go-live in Delaware did</p> <p>15 you travel to Delaware?</p> <p>16 A. Yes.</p> <p>17 Q. For how long were you in Delaware?</p> <p>18 A. A week.</p> <p>19 Q. When they did a go-live in Maryland did</p> <p>20 you travel to Maryland?</p> <p>21 A. Yes.</p> <p>22 Q. For how long were you there?</p> <p>23 A. One week.</p> <p>24 Q. For how long were you in South</p> <p>25 Carolina?</p>	<p style="text-align: center;">Page 16</p> <p>1 M. JOHNSON</p> <p>2 team. It is a WMI implementation team.</p> <p>3 Q. Who is on that team?</p> <p>4 A. I only know of a few, Allen Teringa.</p> <p>5 Q. Do you know any other members of the</p> <p>6 team?</p> <p>7 A. Not offhand.</p> <p>8 Q. How many members are on the SGM team?</p> <p>9 A. I don't know the exact number.</p> <p>10 Q. Where is the SGM team based out of?</p> <p>11 A. I believe they were based out of</p> <p>12 Miramar.</p> <p>13 Q. Miramar, Florida.</p> <p>14 A. Yes.</p> <p>15 Q. Did they also train you in WMI?</p> <p>16 A. Yes.</p> <p>17 Q. For how long did you receive training?</p> <p>18 A. Approximately two to three weeks before</p> <p>19 go-live.</p> <p>20 Q. Can you explain what that training</p> <p>21 consisted of?</p> <p>22 A. They had what was called a test</p> <p>23 environment and they would walk you through each</p> <p>24 different part of the test environment and make</p> <p>25 sure you had an understanding of what it</p>

4 (Pages 13 to 16)

October 4, 2022

<p style="text-align: right;">Page 17</p> <p>1 M. JOHNSON 2 implemented and how it was impacting the inventory 3 and feed into Sapphire. 4 Q. So WMI was in addition to Sapphire, it 5 did not replace Sapphire; is that correct? 6 A. Correct. 7 Q. If there had had to be any corrections 8 made to inventory would that be done through WMI or 9 Sapphire? 10 A. WMI. 11 Q. How would that be done? 12 A. There is different types of 13 adjustments. Depending on what types of adjustment 14 it was, it would be determining how it would be 15 done. 16 Q. Can you go through the different types 17 of adjustments? 18 A. There is cycle count, which is where 19 you count at the location. There is an 20 administrator adjustment if they needed to take it 21 out of the system for quality hold. The code 22 adjustment which means it is going from one item 23 number to another. There was a breakage 24 adjustment. There is spoil. That is not done by 25 the WMI administrator. That would be done by the</p>	<p style="text-align: right;">Page 19</p> <p>1 M. JOHNSON 2 A. In a location, yes. 3 Q. Location means a physical location in 4 the warehouse? 5 A. Yes. 6 Q. The cycle counter goes there physically 7 counts the product at that location and inputs the 8 information into WMI. 9 A. In an RFI gun that feeds into the WMI. 10 Q. Can a person use the RFI gun to scan or 11 type in the information? 12 A. They can manually type the count into 13 the gun or the location into the gun. They cannot 14 change or implement what is in that location. 15 Q. That is correct only report what is in 16 that location? 17 A. Correct. 18 Q. If it's within a certain percentage of 19 what's in the system, if it is close to what's in 20 the system as being in that location then it will 21 auto accept? 22 A. Five cases and \$250. 23 Q. If the difference between the count and 24 what is in the system is five cases and \$250. 25 A. It has to meet both requirements.</p>
<p style="text-align: right;">Page 18</p> <p>1 M. JOHNSON 2 inventory control manager. 3 Q. What other adjustments were only done 4 by the inventory control manager? 5 A. The administrator. The code to code 6 and the breakage adjustments were done by the 7 administrator manager. The only adjustments that 8 were done by the WMI administrator are the cycle 9 counts. 10 Q. Can you explain what cycle count is? 11 A. You basically walk up to a location, 12 count the product and put it into the gun and if 13 there is a variance then it would depending on if 14 it was within the auto accept or if it had to be 15 reviewed. Auto accept was five days, it was \$250 16 or if it had to be reviewed you would go to a 17 another separate screen and that the WMI 18 administrator would have to review it. 19 Q. I am going try and say it because I 20 think I understand it and for some reason if I am 21 getting it wrong please let me know. 22 A. Okay. 23 Q. In the system there is a record of how 24 much inventory there is for a particular item; is 25 that correct?</p>	<p style="text-align: right;">Page 20</p> <p>1 M. JOHNSON 2 Q. If the difference between what is 3 counted and what is in the system is five cases and 4 \$250, what happens? 5 A. It goes to the review screen, that it 6 has to be reviewed. It does not deem a cycle count 7 yet until it's reviewed and accepted. 8 Q. Who has the authority to review and 9 accept? 10 A. WMI administrator. 11 Q. How would the WMI administrator do 12 that? 13 A. It's a certain sequence within the WMI 14 system on a full screen that is actually reports 15 the information to them. 16 Q. So the WMI administrator, at least in 17 your understanding of the role, they have a 18 computer screen? 19 A. Yes. 20 Q. The cycle counters do they have 21 computers? 22 A. No. 23 Q. Is this process that you're describing 24 is this the same at every location in which the WMI 25 was implemented?</p>

5 (Pages 17 to 20)

October 4, 2022

<p style="text-align: right;">Page 21</p> <p>1 M. JOHNSON</p> <p>2 A. Yes.</p> <p>3 Q. The WMI administrator only has the</p> <p>4 authority to make an adjustment to the cycle count;</p> <p>5 is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. What type of adjustment could be made</p> <p>8 and why?</p> <p>9 A. It would be a cycle count adjustment.</p> <p>10 She would either accept the count that was put into</p> <p>11 the system and brought to that review screen or she</p> <p>12 could reject it.</p> <p>13 Q. Can you explain reasons why you accept</p> <p>14 it or reject it?</p> <p>15 A. Accept it because you know that it was</p> <p>16 either counted over or under within a certain time</p> <p>17 frame and it's just an offset to a previous</p> <p>18 adjustment or you would reject it because you want</p> <p>19 to research it more.</p> <p>20 Q. Now, if you rejected it would the cycle</p> <p>21 counter have to recount the cycles at that</p> <p>22 location?</p> <p>23 A. It would have to be put back in</p> <p>24 manually for it to be recounted at that location.</p> <p>25 Q. When you say "manually" can you</p>	<p style="text-align: right;">Page 23</p> <p>1 M. JOHNSON</p> <p>2 cycle counters to perform a single count at each</p> <p>3 location where that product was located?</p> <p>4 A. Correct.</p> <p>5 Q. Once the cycle count was performed at</p> <p>6 each location where the product was stored in the</p> <p>7 warehouse what would happen next?</p> <p>8 A. At that point the WMI supervisor would</p> <p>9 accept the counts for that location.</p> <p>10 Q. What if there still was a variance?</p> <p>11 A. Depending on the quantity they can</p> <p>12 either do more research and look into the previous</p> <p>13 location for the items or just accept the quantity</p> <p>14 and go onto the next item.</p> <p>15 Q. As WMI administrator what type of</p> <p>16 authority in terms of approving cycle counts did</p> <p>17 you have, what type of variance?</p> <p>18 A. As a WMI administrator I had up to</p> <p>19 \$1,000 without additional --</p> <p>20 Q. -- approval?</p> <p>21 A. -- approval.</p> <p>22 Q. Who would approve something in excess</p> <p>23 of \$1,000?</p> <p>24 A. The operations manager.</p> <p>25 Q. Is there some product that has a value</p>
<p style="text-align: right;">Page 22</p> <p>1 M. JOHNSON</p> <p>2 explain?</p> <p>3 A. Manually putting it in as a count there</p> <p>4 is a set of operations within the system that you</p> <p>5 can actually put in a task for them to do to do a</p> <p>6 cycle count.</p> <p>7 Q. A manual cycle count?</p> <p>8 A. The person would create a task for them</p> <p>9 to go out. There are two different types of cycle</p> <p>10 counts. There is a manual cycle count and system</p> <p>11 generated cycle counts.</p> <p>12 Q. Is there a difference in the way that</p> <p>13 the cycle counts are performed?</p> <p>14 A. No, they are performed the same.</p> <p>15 Q. Once you rejected the adjustment to the</p> <p>16 cycle count, what would happen next?</p> <p>17 A. The WMI administrator would put the</p> <p>18 count in for the whole item rather than just the</p> <p>19 specific location.</p> <p>20 Q. Can you be more specific?</p> <p>21 A. In the system an item can be live in</p> <p>22 more than one location. Instead of just counting</p> <p>23 that one specific location they would count all the</p> <p>24 locations for the item.</p> <p>25 Q. The WMI administrator would tell the</p>	<p style="text-align: right;">Page 24</p> <p>1 M. JOHNSON</p> <p>2 in excess of \$1000 a case?</p> <p>3 A. Yes.</p> <p>4 Q. What percentage of the product has a</p> <p>5 value that is in excess of \$1000 a case?</p> <p>6 A. Total product?</p> <p>7 Q. Yes.</p> <p>8 A. I don't know the percentage.</p> <p>9 Q. Can you approximate?</p> <p>10 A. Approximately 3 percent.</p> <p>11 Q. How frequently would you have to get</p> <p>12 approval from the operations manager for a variance</p> <p>13 in excess of \$1000?</p> <p>14 A. Not very often. Probably two to three</p> <p>15 times a year.</p> <p>16 Q. As WMI administrator do you have any</p> <p>17 other duties other than what you have already</p> <p>18 described?</p> <p>19 A. No.</p> <p>20 Q. What is your salary?</p> <p>21 A. Currently or as WMI administrator?</p> <p>22 Q. As WMI administrator what was your</p> <p>23 salary?</p> <p>24 A. Approximately \$45,000.</p> <p>25 Q. Do you know what Richard Myer's salary</p>

6 (Pages 21 to 24)

October 4, 2022

<p style="text-align: right;">Page 25</p> <p>1 M. JOHNSON</p> <p>2 was as inventory control manager?</p> <p>3 A. I have no idea.</p> <p>4 Q. Was it more or less than yours?</p> <p>5 A. Than the WMI administrator?</p> <p>6 Q. Yes.</p> <p>7 A. It was more.</p> <p>8 Q. Was your position considered exempt?</p> <p>9 A. As WMI administrator, yes.</p> <p>10 Q. Do you enjoy working at Southern?</p> <p>11 A. Yes.</p> <p>12 Q. Do you consider yourself a loyal employee?</p> <p>13 A. Yes.</p> <p>14 Q. Do you have any children?</p> <p>15 A. Yes.</p> <p>16 Q. How many children do you have?</p> <p>17 A. One.</p> <p>18 Q. How old?</p> <p>19 A. Fifteen.</p> <p>20 Q. Are you married?</p> <p>21 A. Yes.</p> <p>22 Q. What does your husband do?</p> <p>23 A. He's a technician for conveyers and fabricators.</p>	<p style="text-align: right;">Page 27</p> <p>1 M. JOHNSON</p> <p>2 A. Yes.</p> <p>3 Q. How frequently?</p> <p>4 A. When a large variance was deemed by someone you would go back and double check to make sure that they were counting correctly.</p> <p>5 Q. How frequently was that?</p> <p>6 A. Very infrequent.</p> <p>7 Q. Other than recounting when there was a large variance did you cycle count for any other reason as WMI administrator?</p> <p>8 A. No.</p> <p>9 I take that back. The only time that we did do cycle counts was during our cycle count audit which is when an outside company audits the cycle counters. The cycle counter performs the cycle count originally. We actually have to go out and take another person out. You didn't technically cycle count at the location. You brought them to the location.</p> <p>10 Q. You brought the auditor to the location?</p> <p>11 A. Yes.</p> <p>12 Q. The auditor would do the cycle count?</p> <p>13 A. To make that sure that your cycle</p>
<p style="text-align: right;">Page 26</p> <p>1 M. JOHNSON</p> <p>2 Q. Who does he work for?</p> <p>3 A. IMRS.</p> <p>4 Q. Is IMRS affiliated with Southern at all?</p> <p>5 A. No.</p> <p>6 Q. We talked about the SGM team, the training team, did they use any training videos?</p> <p>7 A. No.</p> <p>8 Q. Did they have any training materials?</p> <p>9 A. Yes.</p> <p>10 Q. What training materials did they use?</p> <p>11 A. They had a booklet of the different screens that you could use and what they would assist with.</p> <p>12 Q. Was there any training specific to the WMI administrator position?</p> <p>13 A. Yes.</p> <p>14 Q. What training was specific to that position?</p> <p>15 A. It went over the different screens that you would need to review and ways of making corrections.</p> <p>16 Q. As WMI administrator did you ever personally perform cycle counts?</p>	<p style="text-align: right;">Page 28</p> <p>1 M. JOHNSON</p> <p>2 counter counted correctly.</p> <p>3 Q. How much inventory is stored at the security facility in terms of dollar value?</p> <p>4 A. I don't have that information.</p> <p>5 Q. Do you know what the total dollar value of the inventory is stored at Metro New York is?</p> <p>6 A. I don't have that information.</p> <p>7 Q. In terms of size which facility is bigger Syracuse or Metro New York?</p> <p>8 A. Syracuse has more locations than Metro New York does.</p> <p>9 Q. How many square feet is the Syracuse warehouse?</p> <p>10 A. I don't have that information.</p> <p>11 Q. In terms of total storage capacity of the warehouse which warehouse is bigger Metro or Syracuse?</p> <p>12 A. Syracuse.</p> <p>13 Q. By how much?</p> <p>14 A. I don't know what the variance is between the two.</p> <p>15 Q. Were you present for any training given by the SGM team to individuals at Metro New York?</p> <p>16 A. Not during their training, no.</p>

7 (Pages 25 to 28)

October 4, 2022

<p style="text-align: right;">Page 29</p> <p>1 M. JOHNSON</p> <p>2 Q. Do you have any personal knowledge of</p> <p>3 the any training given by the SGM team to employees</p> <p>4 at Metro New York?</p> <p>5 A. No, I do not.</p> <p>6 Q. Who would know about that besides the</p> <p>7 employees themselves?</p> <p>8 A. I would assume the trainers. I don't</p> <p>9 know exactly who would have trained the Metro New</p> <p>10 York employees.</p> <p>11 Q. Do you have any personal knowledge of</p> <p>12 any training given by SGM to Maria Suarez?</p> <p>13 A. I don't know what her training left was</p> <p>14 from SGM.</p> <p>15 Q. Do you know if she received any</p> <p>16 training from SGM?</p> <p>17 A. I believe that she did. I believe they</p> <p>18 were in beforehand.</p> <p>19 Q. Do you know whether she received any</p> <p>20 training from SGM?</p> <p>21 A. Not personally, no. I was not present</p> <p>22 for it so I don't know what she received.</p> <p>23 Q. Did Maria Suarez ever tell you or share</p> <p>24 with you any of the training that she had received?</p> <p>25 A. She received training from myself</p>	<p style="text-align: right;">Page 31</p> <p>1 M. JOHNSON</p> <p>2 into the inventory control manager.</p> <p>3 Q. When was it absorbed?</p> <p>4 A. When we had a company wide</p> <p>5 reorganization in 2018.</p> <p>6 Q. As of today is there a WMI</p> <p>7 administrator position in Maryland?</p> <p>8 A. I don't believe there is a WMI</p> <p>9 administrative position.</p> <p>10 Q. Was there ever a WMI administrative</p> <p>11 position in Maryland?</p> <p>12 A. I don't believe so.</p> <p>13 Q. Who was the WMI administrator for</p> <p>14 Maryland, was that you?</p> <p>15 A. No.</p> <p>16 Q. They just didn't have a WMI</p> <p>17 administrator?</p> <p>18 A. They did not become WMI until recently.</p> <p>19 Q. Who implemented WMI, did you do that?</p> <p>20 A. The SGM team would have implemented</p> <p>21 that.</p> <p>22 Q. How about South Carolina, is there a</p> <p>23 WMI administrator for South Carolina?</p> <p>24 A. I don't know that at this point.</p> <p>25 Q. Was there ever a WMI administrator for</p>
<p style="text-align: right;">Page 30</p> <p>1 M. JOHNSON</p> <p>2 before WMI went live. She did not tell me what</p> <p>3 training she received from the SGM team.</p> <p>4 Q. For how long did you travel to Metro</p> <p>5 New York for the go-live?</p> <p>6 A. Initially I traveled for one week.</p> <p>7 Q. Did you ever come back?</p> <p>8 A. Yes.</p> <p>9 Q. On how much occasions?</p> <p>10 A. Three weeks, three separate weeks.</p> <p>11 Q. Why did you come back on three separate</p> <p>12 weeks?</p> <p>13 A. There was some issues with stuff that</p> <p>14 was needed to be taken care of were not being done.</p> <p>15 Q. What was not being done?</p> <p>16 A. There was different aspects of the</p> <p>17 position that wasn't being done. I could see</p> <p>18 because I had access to the Metro facility.</p> <p>19 Q. Did you have access to any facility</p> <p>20 other than Metro?</p> <p>21 A. I have access to every facility that I</p> <p>22 go-live to.</p> <p>23 Q. As of today is there a WMI</p> <p>24 administrator in Delaware?</p> <p>25 A. I believe that position was absorbed</p>	<p style="text-align: right;">Page 32</p> <p>1 M. JOHNSON</p> <p>2 South Carolina?</p> <p>3 A. When I went down there there was a WMI</p> <p>4 administrator at that time. That was prior to</p> <p>5 2019.</p> <p>6 Q. That position was eliminated in 2019?</p> <p>7 A. I believe so. I believe it was company</p> <p>8 wide that that position was eliminated.</p> <p>9 Q. What's that belief based upon?</p> <p>10 A. There was a company reorganization in</p> <p>11 2019 where it compiled positions into single</p> <p>12 positions rather than multiple positions.</p> <p>13 Q. How do you know that?</p> <p>14 A. Because I was there for it.</p> <p>15 Q. Do you know that based upon something</p> <p>16 someone told you?</p> <p>17 A. It was a company-wide reorganization</p> <p>18 that my operations manager had told me.</p> <p>19 Q. Who was your operations manager?</p> <p>20 A. Amis Heaton.</p> <p>21 Q. Did Amis tell you that all of the WMI</p> <p>22 administrative positions were being eliminated?</p> <p>23 A. There was a company-wide reorganization</p> <p>24 and the position was merged into another position</p> <p>25 which was inventory control manager.</p>

8 (Pages 29 to 32)

October 4, 2022

<p style="text-align: right;">Page 33</p> <p>1 M. JOHNSON</p> <p>2 Q. When you say "merged"?</p> <p>3 A. The inventory control manager was not</p> <p>4 responsible for the maintaining of the WMI system.</p> <p>5 Q. That was Amis who told you that's a</p> <p>6 company-wide decision?</p> <p>7 A. Correct.</p> <p>8 Q. Were any WMI administrators let go as</p> <p>9 part of that reorganization?</p> <p>10 A. To my knowledge, I am not sure.</p> <p>11 Q. Are you aware that Southern is saying</p> <p>12 that Maria Suarez was let go as a result of that</p> <p>13 reorganization?</p> <p>14 MS. CABRERA: Objection. You are</p> <p>15 talking about two different years.</p> <p>16 That's not what Southern said. You are</p> <p>17 not on the right timeline.</p> <p>18 Q. So let's go back to 2018. In 2018 was</p> <p>19 there a WMI administrative position in Maryland?</p> <p>20 A. They were not WMI at that time.</p> <p>21 Q. When did they go WMI again?</p> <p>22 A. Approximately three years ago. Two</p> <p>23 years ago.</p> <p>24 Q. That was after the company-wide</p> <p>25 reorganization?</p>	<p style="text-align: right;">Page 35</p> <p>1 M. JOHNSON</p> <p>2 layoff. I don't know of any layoffs. I only know</p> <p>3 of buyouts that were that offered to employees.</p> <p>4 (Whereupon, a short recess was</p> <p>5 held.)</p> <p>6 Q. Are you aware that Maria Suarez</p> <p>7 separated from employment with Southern in April of</p> <p>8 2018?</p> <p>9 A. I was informed of it after the fact.</p> <p>10 Q. Who informed you?</p> <p>11 A. Tonisha Durant.</p> <p>12 Q. Who was the WMI administrator at that</p> <p>13 facility after Maria was no longer there?</p> <p>14 A. I believe Tonisha is the one that took</p> <p>15 on the responsibility. I believe Tonisha took the</p> <p>16 responsibility but Barry was also involved.</p> <p>17 Q. Barry who?</p> <p>18 A. Finkelstein.</p> <p>19 Q. Are you familiar with what Maria Suarez</p> <p>20 was doing before she became WMI administrator?</p> <p>21 A. I was not.</p> <p>22 Q. Do you have any personal knowledge of</p> <p>23 what Maria Suarez's job was at Southern before she</p> <p>24 became WMI administrator?</p> <p>25 A. I was told what she used to do. I</p>
<p style="text-align: right;">Page 34</p> <p>1 M. JOHNSON</p> <p>2 A. Yes.</p> <p>3 Q. As of 2018 was there a WMI</p> <p>4 administrative position in Delaware?</p> <p>5 A. I believe so.</p> <p>6 Q. As of 2018 was there a WMI</p> <p>7 administrative position in all the other locations</p> <p>8 that you did go-live in?</p> <p>9 A. To my knowledge, there would be. I</p> <p>10 don't know for sure that there was but. . .</p> <p>11 Q. As of 2018 was there a WMI</p> <p>12 administrator in Metro New York?</p> <p>13 A. Yes.</p> <p>14 Q. Who was that?</p> <p>15 A. Maria Suarez.</p> <p>16 Q. At some point was the WMI administrator</p> <p>17 position eliminated in Metro New York?</p> <p>18 A. During the reorganization.</p> <p>19 Q. When was that?</p> <p>20 A. In 2019, I believe.</p> <p>21 Q. How many people were laid off? Are you</p> <p>22 familiar with how many people were laid off as a</p> <p>23 result of the reorganization in 2019?</p> <p>24 A. I do not know the number. During that</p> <p>25 part of that reorganization was a buyout not a</p>	<p style="text-align: right;">Page 36</p> <p>1 M. JOHNSON</p> <p>2 didn't work with her personally before then.</p> <p>3 Q. Who told you what she used to do?</p> <p>4 A. Tonisha.</p> <p>5 Q. What did Tonisha say?</p> <p>6 A. She was the inventory manager.</p> <p>7 Q. Did Maria Suarez report to Tonisha</p> <p>8 Durant?</p> <p>9 A. I believe her direct report was John</p> <p>10 Wilkinson. As WMI administrator?</p> <p>11 Q. Yes.</p> <p>12 A. John Wilkinson.</p> <p>13 Q. Did Maria Suarez report to Tonisha</p> <p>14 Durant?</p> <p>15 A. No, she did not.</p> <p>16 Q. Did Tonisha Durant supervise Maria at</p> <p>17 all?</p> <p>18 A. No, she did not.</p> <p>19 Q. Did Tonisha Durant direct Maria Suarez?</p> <p>20 A. If there was an inventory issue she</p> <p>21 would send her an email in regards to having it</p> <p>22 resolved.</p> <p>23 Q. Do you remember the first time that you</p> <p>24 met Maria?</p> <p>25 A. I met Maria I believe at the beginning</p>

9 (Pages 33 to 36)

October 4, 2022

<p style="text-align: right;">Page 37</p> <p>1 M. JOHNSON 2 of 2016. 3 Q. Where did you meet her? 4 A. She came to the Syracuse facility to 5 shadow me for three days. 6 Q. Explain what happened during those 7 three days? 8 A. I explained how the system worked and 9 how a WMI administrator's position was run and how 10 the cycle counts were directed and how the cycle 11 counts were performed. 12 Q. Can you explain those interactions that 13 you had with her during those first three days? 14 A. I gave her the knowledge of the system, 15 the different screens to go into. She was -- she 16 actually walked with my cycle counters so she can 17 see what a cycle count was and how it was 18 performed. 19 Q. Did you form an opinion as to her 20 ability to do the job of WMI administrator after 21 those three days? 22 A. She currently was not on the system. 23 So I didn't know how she would perform because she 24 hadn't even used the system yet. 25 Q. Do you know if she ever had an</p>	<p style="text-align: right;">Page 39</p> <p>1 M. JOHNSON 2 position. 3 Q. Besides being eager did you have any 4 other opinions, did you form any other opinion as 5 to what type of person she was after those first 6 three days? 7 A. No. 8 Q. Was she polite? 9 A. Yes. 10 Q. Did she appear to follow the 11 instructions? 12 A. Yes. 13 Q. Did she appear to be knowledgeable? 14 A. Yes. 15 Q. How long had she worked for Southern? 16 A. I don't know her exact term of 17 employment. 18 Q. Had any other individual come to your 19 facility to shadow you? 20 A. No. 21 Q. Do you know why she was sent to your 22 facility to shadow you? 23 A. Because of the proximity of the 24 locations. 25 Q. Do you know who made that decision?</p>
<p style="text-align: right;">Page 38</p> <p>1 M. JOHNSON 2 opportunity to use the system before go-live? 3 A. There was a test environment created so 4 she can actually use the test system that simulates 5 the same exact system. 6 Q. Did you have personal knowledge that 7 she had access to the simulation? 8 A. I don't have personal knowledge. I did 9 not see her log into it. I was told that they had 10 a test system. 11 Q. Who told you that? 12 A. Allen Teringa. 13 Q. What did you think of Maria after the 14 first three days that you spent with her? 15 A. By think, as far as she had knowledge 16 to perform the job. 17 Q. Besides your opinion that she had the 18 knowledge to perform the job did you form any other 19 opinion of her after the first three days? 20 A. I just felt that she would have more 21 better training with hands-on once it went live. 22 To have more of knowledge of how the system would 23 work. 24 Q. As a person what did you think of her? 25 A. She seemed very eager to do the</p>	<p style="text-align: right;">Page 40</p> <p>1 M. JOHNSON 2 A. I believe Kevin Randall and John 3 Wilkinson. 4 Q. After you and Maria spend those three 5 days in Syracuse -- did she travel every day or 6 stay up there? 7 A. She stayed in Syracuse. 8 Q. When did you next meet her? 9 A. I saw her the week of go-live. 10 Q. When was that approximately? 11 A. I believe July of '16. 12 Q. What was the level of interaction that 13 you had with her during the week of go-live? 14 A. I sat right next to her every day and 15 went over each aspect of the position. In 16 directing the cycle counters every morning. 17 Q. Had you done that at any other facility 18 when there was a go-live? 19 A. Yes. 20 Q. Had you done that at each facility when 21 there was a go-live? 22 A. Yes. 23 Q. Did you form an opinion about Maria 24 during the week of go-live? 25 A. That she was performing the job and</p>

10 (Pages 37 to 40)

October 4, 2022

<p style="text-align: center;">Page 41</p> <p>1 M. JOHNSON 2 that she needed some more knowledge of the system 3 before being able to do everything. 4 Q. What additional knowledge did you think 5 that she needed? 6 A. I actually created a daily/weekly 7 report of what needed to be done each day and each 8 week. 9 Q. What knowledge did you think that she 10 lacked at that time? 11 A. I think it was more of a new system and 12 just not knowing the system. So the knowledge was 13 that she was not familiar with the system as in any 14 new thing. 15 Q. In your opinion was she? 16 MS. CABRERA: Hold on. If you're 17 still speaking and he starts speaking, 18 don't stop. 19 A. It was just a new system and the 20 knowledge of the system it takes sometime to get 21 used to the ins and outs of the new screens. 22 Q. How many other locations had you gone 23 live at before? 24 A. All but Maryland. 25 Q. In your opinion when you sat with the</p>	<p style="text-align: center;">Page 43</p> <p>1 M. JOHNSON 2 Q. After the week of sitting with Maria 3 did you have any reason to believe that she would 4 not be successful as to WMI administrator? 5 A. I did not think that she would not be 6 successful, no. 7 Q. When you went go-live before had you 8 ever had doubts about a WMI administrator's ability 9 to successfully do the job? 10 A. I did not get that within a week I 11 would reevaluate a month later and if someone 12 needed more assistance I would go back to after 13 that. 14 Q. How many WMI administrators did you go 15 back for? 16 A. I went back for Delaware, South 17 Carolina and Katy, Texas. 18 Q. On how many different occasions? 19 A. A week. 20 Q. For each one? 21 A. Yes. 22 Q. Why did you go back for that week? 23 A. Just to reiterate some things that were 24 lacking and to be sure they understood exactly what 25 needed to be done.</p>
<p style="text-align: center;">Page 42</p> <p>1 M. JOHNSON 2 WMI administrators at those other facilities before 3 you sat with Maria did you also provide them with 4 the procedures? 5 A. Yes, those were already set. 6 Q. I am going to show you what was 7 previously marked as Plaintiff's Exhibit 2 for 8 identification. Are those the procedures that your 9 talking about? 10 A. Yes. 11 Q. This you had given to each and every -- 12 A. This was was given to myself and this 13 was also given to others. This is a general 14 procedure that was handed to the WMI 15 administrators. 16 Q. By whom? 17 A. This one condensed version of mine but 18 there is -- yes, those are the other procedures 19 that are handed to each administrator. 20 Q. I am going to show you what was 21 previously marked as Plaintiff's Exhibit 4 are 22 these the other procedures that were given to the 23 administrators? 24 A. Yes, this was given out by the SCM 25 team.</p>	<p style="text-align: center;">Page 44</p> <p>1 M. JOHNSON 2 Q. Who authorized that? Who requested or 3 authorized you to go, who requested you to go? 4 A. The operations manager from each 5 location. 6 Q. Who authorized you? 7 A. My operations manager Amis Heaton. 8 Q. Did it have to be approved by someone 9 above your operations manager? 10 A. I don't know that knowledge. 11 Q. Was there any WMI administrator other 12 than Maria who was unsuccessful in fulfilling the 13 WMI administrator position? 14 A. I don't know of that information. 15 Q. Do you know of anyone as you sit here 16 today other than Maria who was not successful at 17 the WMI administrator position? 18 A. I don't. 19 Q. How many times in total did you come 20 back to Metro New York after the go-live? 21 A. Two times I believe. For the WMI end 22 of it, yes. 23 Q. Correct. How many times in total did 24 you come back to Metro New York after go-live? 25 A. For other duties.</p>

11 (Pages 41 to 44)

October 4, 2022

<p style="text-align: right;">Page 45</p> <p>1 M. JOHNSON</p> <p>2 Q. Yes.</p> <p>3 A. Several. I can't honestly tell you</p> <p>4 exactly how many.</p> <p>5 Q. Can you give me any estimate of the</p> <p>6 number of times that you came?</p> <p>7 A. Anywhere between five and 10.</p> <p>8 Q. You came to Metro New York facility</p> <p>9 between five and 10 times after the go-live for</p> <p>10 different reasons?</p> <p>11 A. Correct.</p> <p>12 Q. Two of those times were for the</p> <p>13 purposes of WMI?</p> <p>14 A. Yes. To sit with Maria.</p> <p>15 Q. Do you recall the first time that you</p> <p>16 sat after going live?</p> <p>17 A. I believe it was October of 2016.</p> <p>18 Q. How long were you with her then.</p> <p>19 A. One week.</p> <p>20 Q. When was the next time that you sat</p> <p>21 with her?</p> <p>22 A. January of '17. For a week as well.</p> <p>23 Q. What did you think of Maria after the</p> <p>24 week that you spent with her in October of 2016?</p> <p>25 A. After that week at the end of that week</p>	<p style="text-align: right;">Page 47</p> <p>1 M. JOHNSON</p> <p>2 A. I sent her reports in regards to what</p> <p>3 was not being completed but that was not training.</p> <p>4 That was just the reports of the different aspects.</p> <p>5 Q. Had you had any conversations with John</p> <p>6 Wilkinson regarding Maria between the date of</p> <p>7 go-live and October of 2016 when you sat with her?</p> <p>8 A. I sent him weekly reports of the</p> <p>9 different aspects of Plaintiff's Exhibit 2 that</p> <p>10 were not being completed.</p> <p>11 Q. Did Maria report to you?</p> <p>12 A. She did not.</p> <p>13 Q. When you sent those weekly reports to</p> <p>14 John Wilkinson under whose direction were you</p> <p>15 acting?</p> <p>16 A. John Wilkinson.</p> <p>17 Q. When did he start asking you to do</p> <p>18 that? Was it from the beginning of go-live?</p> <p>19 A. It was approximately a month</p> <p>20 afterwards.</p> <p>21 Q. Was that in a conversation or email?</p> <p>22 A. That was a conversation.</p> <p>23 Q. Tell me about that conversation?</p> <p>24 A. It was a phone conversation because I</p> <p>25 could see into their system and see what had been</p>
<p style="text-align: right;">Page 46</p> <p>1 M. JOHNSON</p> <p>2 we had a sit down with John Wilkinson went over</p> <p>3 every aspect of that Plaintiff's Exhibit Number 2</p> <p>4 to make sure that she was clear that she needed to</p> <p>5 know exactly what she needed to do and had her sign</p> <p>6 off on it. That was the way that it was left.</p> <p>7 Q. That was your first visit after going</p> <p>8 live, correct?</p> <p>9 A. Yes.</p> <p>10 Q. At the end of that week you and John</p> <p>11 Wilkinson and Maria sat in the room and she was</p> <p>12 presented with something for her signature?</p> <p>13 A. I believe so.</p> <p>14 Q. What was presented to her?</p> <p>15 A. I believe it was this actual paper in</p> <p>16 that she acknowledged that she understood the</p> <p>17 different aspect of the job and that she would be</p> <p>18 able to perform it.</p> <p>19 MS. CABRERA: For the record the</p> <p>20 witness is referring to Plaintiff's</p> <p>21 Exhibit Number 2.</p> <p>22 Q. Had you given any training to Maria</p> <p>23 between go-live and October of 2016?</p> <p>24 A. Not in person, no.</p> <p>25 Q. How about any other type of training?</p>	<p style="text-align: right;">Page 48</p> <p>1 M. JOHNSON</p> <p>2 complete and advise him there was issues of</p> <p>3 completion of each step of the position.</p> <p>4 Q. What did you advise them hadn't been</p> <p>5 completed?</p> <p>6 A. I had printed each part of that Exhibit</p> <p>7 2 in detail and scanned them in and emailed them to</p> <p>8 him.</p> <p>9 Q. When did you send that email to John</p> <p>10 Wilkinson?</p> <p>11 A. I don't have the exact dates.</p> <p>12 (Whereupon, Plaintiff's Exhibit 5</p> <p>13 was marked for identification.)</p> <p>14 Q. I am going to show you what has been</p> <p>15 marked as Plaintiff's Exhibit 5. Is that the email</p> <p>16 that you are referring to?</p> <p>17 A. (Witness perusing document.) Yep.</p> <p>18 Q. What is the date of that email?</p> <p>19 A. This is November of 2016, November 23</p> <p>20 of 2016.</p> <p>21 Q. Did you ever speak with Maria by</p> <p>22 telephone between the time of the go-live and when</p> <p>23 you sat with her in October of 2016?</p> <p>24 A. I believe that I have. I don't know</p> <p>25 the exact dates, I believe that I had.</p>

12 (Pages 45 to 48)

October 4, 2022

<p>1 M. JOHNSON</p> <p>2 Q. When was the first time that you</p> <p>3 reported to John Wilkinson that there were issues</p> <p>4 with WMI?</p> <p>5 A. I don't know the exact date.</p> <p>6 Q. With regard to -- when was the live</p> <p>7 approximately again?</p> <p>8 A. July.</p> <p>9 Q. Of 2016?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know if you since began sending</p> <p>12 emails a week after, a month after?</p> <p>13 A. I don't know exactly the time frame.</p> <p>14 Q. When was the first time that you</p> <p>15 noticed any WMI issues after go-live in Metro New</p> <p>16 York?</p> <p>17 A. Approximately two weeks after. I</p> <p>18 wasn't reviewing their stuff right away because I</p> <p>19 was focused on my own division.</p> <p>20 Q. You noticed something about two weeks</p> <p>21 after the go-live in Syosset, correct?</p> <p>22 A. Yes.</p> <p>23 Q. What did you do then after you notice</p> <p>24 there was an issue with the go-live?</p> <p>25 A. I believe that I contacted Maria and</p>	<p>1 M. JOHNSON</p> <p>2 direct the cycle counters.</p> <p>3 Q. Do you know if she was assigned to any</p> <p>4 other duties besides those particular duties?</p> <p>5 A. I do not.</p> <p>6 Q. Did Maria tell you why she was</p> <p>7 overwhelmed?</p> <p>8 A. She told me that she was overwhelmed</p> <p>9 with the magnitude of the system and trying to</p> <p>10 understand all of the aspects of the system.</p> <p>11 Q. Do you have an opinion about Maria</p> <p>12 today? As an employee, as a person?</p> <p>13 A. As an employee she struggled with the</p> <p>14 position as far as making sure that everything was</p> <p>15 accurate and correct to company standards. Other</p> <p>16 than that I don't have any -- I mean she directed</p> <p>17 her employees. They seemed to be happy with her</p> <p>18 directions.</p> <p>19 Q. Did she appear hostile to you?</p> <p>20 A. Not to myself, no.</p> <p>21 Q. Did she refuse to follow your</p> <p>22 directions?</p> <p>23 A. I don't believe she refused to follow</p> <p>24 my directions.</p> <p>25 Q. Would you describe her as cooperative?</p>
<p>Page 50</p> <p>1 M. JOHNSON</p> <p>2 explained to her that there was some stuff that I</p> <p>3 saw on the system that hadn't been taken care of</p> <p>4 yet.</p> <p>5 Q. Tell me what you recall about that</p> <p>6 particular conversation?</p> <p>7 A. I believe she said that she knew that</p> <p>8 there was some stuff that she was overwhelmed and</p> <p>9 she was going to get to it.</p> <p>10 Q. When you were at the go-live was Maria</p> <p>11 managing or supervising any employees?</p> <p>12 A. The cycle counters.</p> <p>13 Q. How many cycle counters were there?</p> <p>14 A. Four.</p> <p>15 Q. When you met with Maria Suarez in</p> <p>16 October of 2016 and you sat with her was she</p> <p>17 supervising any employees?</p> <p>18 A. The four cycle counters.</p> <p>19 Q. At any point was her supervisory</p> <p>20 authority taken away, to your knowledge?</p> <p>21 A. Not to my knowledge.</p> <p>22 Q. Do you know what tasks she was assigned</p> <p>23 to do by John Wilkinson?</p> <p>24 A. I believe she was assigned the task of</p> <p>25 WMI administrator to oversee the system and to</p>	<p>Page 52</p> <p>1 M. JOHNSON</p> <p>2 A. Yes.</p> <p>3 Q. Did she have a "I know better"</p> <p>4 attitude?</p> <p>5 A. I don't believe so.</p> <p>6 Q. Why did you think that she was</p> <p>7 ultimately unsuccessful as the WMI administrator?</p> <p>8 A. I honestly don't know why she was not</p> <p>9 able to do the task. I feel that she had knowledge</p> <p>10 and capabilities of doing everything that she was</p> <p>11 given.</p> <p>12 Q. Were you present during any</p> <p>13 interactions between John Wilkinson and Maria other</p> <p>14 than when you sat in -- when you sat together at</p> <p>15 the end of the week that you spent with Maria in</p> <p>16 October of 2016?</p> <p>17 A. There was another meeting in January of</p> <p>18 2017 as well.</p> <p>19 Q. Did Mr. Wilkinson appear to be angry</p> <p>20 with Maria?</p> <p>21 A. No.</p> <p>22 Q. Did you speak to John Wilkinson about</p> <p>23 Maria's performance at any time?</p> <p>24 A. Other than the jobs not being</p> <p>25 completed, no.</p>

October 4, 2022

<p>1 M. JOHNSON</p> <p>2 Q. What types of things or issues were</p> <p>3 there with WMI in Syosset that you noticed after</p> <p>4 two weeks?</p> <p>5 A. I mean, the different aspects.</p> <p>6 Everything on this sheet has to be done daily or</p> <p>7 weekly or the inventory is not being reported</p> <p>8 correctly. The shipments cannot go out correctly.</p> <p>9 It's very much needed to have all of that</p> <p>10 corrected, Exhibit 2.</p> <p>11 Q. Was Tonisha Durant having any issues</p> <p>12 with the implementation?</p> <p>13 A. When it became part of her position,</p> <p>14 no, I don't believe so.</p> <p>15 Q. Was she having any difficulty with</p> <p>16 implementation as part of her own position before</p> <p>17 Maria was no longer with Southern?</p> <p>18 A. I don't believe so.</p> <p>19 Q. Is it company policy at Southern to</p> <p>20 issue performance evaluations on a yearly basis?</p> <p>21 A. Yes.</p> <p>22 Q. Do you know whether Maria Suarez</p> <p>23 received performance evaluations on a yearly basis?</p> <p>24 A. It's a company standard. I don't know</p> <p>25 for a fact that she received them. It's company</p>	<p>1 M. JOHNSON</p> <p>2 Q. If he had sufficient grasp is there a</p> <p>3 particular reason why you went to the facility?</p> <p>4 A. I think because I perform the position</p> <p>5 daily and do it daily and know every step of what</p> <p>6 needs to be done and how to facilitate it.</p> <p>7 Q. Do you know why Maria Suarez is no</p> <p>8 longer at Southern Glaziers?</p> <p>9 A. I was told that due to her issues with</p> <p>10 the position.</p> <p>11 Q. Who told you that?</p> <p>12 A. That was Tonisha after she was let go.</p> <p>13 Q. Did you ever see Maria saying something</p> <p>14 that was untrue?</p> <p>15 MS. CABRERA: Objection.</p> <p>16 Q. You can't see someone saying that.</p> <p>17 Did you ever hear Maria say anything in</p> <p>18 your opinion that was untrue?</p> <p>19 A. Untrue to the position or --</p> <p>20 Q. In with regard to anything?</p> <p>21 A. I honestly I don't think I remember</p> <p>22 everything. I don't remember anything of her</p> <p>23 saying that something was untrue.</p> <p>24 Q. Did you consider her to be trustworthy?</p> <p>25 A. Yes.</p>
<p>Page 54</p>	<p>Page 56</p>

October 4, 2022

<p style="text-align: right;">Page 57</p> <p>1 M. JOHNSON 2 A. John Wilkinson. 3 Q. How do you know that the email gets 4 purged every six months? 5 A. It's a company standard. 6 Q. Do you know were you ever asked to 7 search for emails before from you to John Wilkinson 8 regarding Maria? 9 A. As part of this litigation I was asked 10 to turnover any information that I had in regards 11 to Maria. I turned over my scans. That is 12 Plaintiff's Exhibit 5. 13 Q. This, just to clarify, this email in 14 which you send the scans is dated November of 2016, 15 correct? 16 A. Yes. 17 MS. CABRERA: For the record, 18 Plaintiff's Exhibit Number 5 is the 19 document being referenced. 20 THE WITNESS: Correct. 21 A. The reason that that email, I still 22 have it, because I put that with the scan. It was 23 part of the scan. 24 Q. So you are saying that Plaintiff's 25 Exhibit 5, correct, this sheet, the first page,</p>	<p style="text-align: right;">Page 59</p> <p>1 M. JOHNSON 2 this document, Plaintiff's Exhibit 5 are scanned? 3 A. Yes. 4 Q. I am going to draw your attention to 5 SGWS 001880. Whose handwriting is that? 6 A. This page? 7 Q. Yes. 8 A. That's my handwriting. 9 Q. Who asked for you to send this 10 information to John Wilkinson? 11 A. John Wilkinson. 12 Q. I am going to go through this and I 13 will try to be as quick as I can. 14 What 880, you have your handwriting, is 15 what is the highlighting that is on this page? Why 16 is that highlighted. 17 MS. CABRERA: For the record, 18 counsel is referring to Exhibit Number 19 5. A page of Exhibit Number 5. 20 A. So this is referring to Exhibit 2's 21 portion of the pick pack daily what needs to be 22 done daily. That was not completed. It's all the 23 items that were not done and it states that all of 24 the highlighted have been cleaned up by myself 25 because they were not completed by Maria as she was</p>
<p style="text-align: right;">Page 58</p> <p>1 M. JOHNSON 2 this is a scanned document this is not a PDF and 3 this was not retrieved from the email? 4 MS. CABRERA: Objection. Why 5 don't you ask her how she created this 6 document. 7 Q. How did you create that document? 8 A. At the time back in November I printed 9 this and during my scan I would always keep my 10 email with my scan. 11 Q. Do you know how this was printed out 12 for the purposes of this case? 13 A. I would assume that it was printed as 14 part of my scan that I had sent over as a file. 15 Q. To whom? 16 A. To the attorneys of the company. 17 Q. So just for clarification, this entire 18 document was scanned and then sent? 19 A. And scanned and saved to my system and 20 I sent it to them as a file. 21 Q. Did you scan the email as well? 22 A. At the time of the -- right after I 23 would do a scan I would print my email sent out and 24 scan that as well. It's a scan as well. 25 Q. Just to clarify the first two pages of</p>	<p style="text-align: right;">Page 60</p> <p>1 M. JOHNSON 2 supposed to be doing daily. 3 Q. How were they supposed to be cleaned 4 up? 5 A. She was supposed to pick the orders 6 because in our understanding every night every 7 order that comes down should be picked, packed and 8 shipped? 9 Q. Can you be more specific? 10 A. Picked by the person picking it. 11 Packed by the sorter, going down to the truck and 12 then shipped onto the truck to the customer. 13 Q. What does that report show? 14 A. This shows that they are not done. 15 Because they are still in status 10. 16 Q. What is status 10 mean? 17 A. Still not complete, waiting to be 18 picked, packed and shipped. 19 Q. Can you be anymore specific? 20 A. The order was not picked through the 21 system, packed through the system or shipped 22 through the system. 23 Q. Can you explain how Maria would pick, 24 pack and ship through the system? 25 A. She would have to go through each</p>

15 (Pages 57 to 60)

October 4, 2022

October 4, 2022

<p style="text-align: right;">Page 65</p> <p>1 M. JOHNSON 2 invoices are closed and complete? 3 A. She would have to go into the returns 4 portion of the receiving screen. Do everything 5 that was in the status 40 and complete those as 6 well after consulting with the returns department. 7 Q. How would she complete or cancel all 8 items after consulting with the appropriate 9 individuals? 10 A. In the receiving portion of WMI system 11 she would go in and put 32 on the line to verify 12 the receipt. 13 Q. How about the stock locator every day 14 ensure all products in the location have the 15 correct status? 16 A. There is SCI report that you can run to 17 show anything that status other than 30, 30 is in a 18 location and complete and ready for shipment. 19 Q. Turning to task management two to three 20 times per week ensure that all tasks are completed 21 correctly. What does that refer to? 22 A. That refers to our task. There is a 23 different status of each task. There is a 10 which 24 -- 00 which means available status. In 10 print 25 status someone logged in and status 20 someone</p>	<p style="text-align: right;">Page 67</p> <p>1 M. JOHNSON 2 have to accept or reject it. 3 Q. Wave management two to three types a 4 week. What's in a wave? 5 A. Set of instructions that come down for 6 invoices to be picked. 7 Q. How about complete or cancel all items 8 after consulting with the appropriate individuals? 9 A. That would be where she would have to 10 go in and pick it or cancel the invoice. 11 Q. How would she ensure that the waves are 12 in correct status? 13 A. She would have to consult with the 14 individuals, night supervisor or day supervisor, 15 depending on what type of invoice it was. 16 Q. How about the reconciliation report 17 every day? 18 A. That is a report between WMI system and 19 the Sapphire System. That is the two systems that 20 report the inventory, on both systems, and they 21 need to match. 22 Q. When we look at that document which is 23 the Exhibit 5, these are the lists of things that 24 were not done, correct? 25 A. Correct.</p>
<p style="text-align: right;">Page 66</p> <p>1 M. JOHNSON 2 started working on it and status 5 which means they 3 dropped out of the gun. Status 8, they put it to 4 the location and needs to be verified and anything 5 other than status 00 would have to be researched to 6 figure out where it was and pushed to the correct 7 location to make it drop off the task management. 8 Q. Were these tasks generated by the 9 system? 10 A. Yes. 11 Q. Complete or cancel all items after 12 consulting with the appropriate individuals. Which 13 individuals would have to be consulted? 14 A. The day warehouse supervisor and night 15 warehouse supervisors as well. 16 Q. With regard to the cycle count, every 17 day ensure that all counts are reconciled and 18 current. How would she do that? 19 A. The ones that do not auto correct go to 20 an error screen and she would have to go in that 21 error screen and accept the count or reject the 22 count. 23 Q. Complete or cancel all items each day 24 after researching each discrepancy? 25 A. That is what I referred to she would</p>	<p style="text-align: right;">Page 68</p> <p>1 M. JOHNSON 2 Q. Do you have any personal knowledge of 3 why those items were not done? 4 A. I don't know exactly they were not 5 done, no. 6 Q. Do you know how many items Maria 7 actually did? 8 A. I don't know how many were completed 9 correctly, other than I can only run reports on 10 what was not done. 11 Q. Do you know what percentage of her work 12 was actually completed correctly? 13 A. I couldn't give that percentage. I 14 don't know what was done correctly and what was not 15 done correctly. I can only attest to what was not 16 done. 17 Q. We don't know if these undone items 18 represent one percent of what was done? 19 A. I don't know the percentage, no. 20 Q. Could it be less than one percentage of 21 what was successfully done? 22 A. I don't know the percentage. 23 Q. Did any individual other than John 24 Wilkinson ask you to prepare these reports and send 25 them to them?</p>

17 (Pages 65 to 68)

October 4, 2022

<p style="text-align: right;">Page 69</p> <p>1 M. JOHNSON</p> <p>2 A. The only other person that was involved 3 with reports was Kevin Randall.</p> <p>4 Q. I am talking about for any other 5 facility that you implemented WMI at?</p> <p>6 A. No.</p> <p>7 Q. Did you check WMI at the other 8 facilities?</p> <p>9 A. Yes.</p> <p>10 Q. Were there issues at the other 11 facilities?</p> <p>12 A. Some, yes.</p> <p>13 Q. Were there tasks that were not 14 performed at those other facilities?</p> <p>15 A. Right after the start up, yes. After 16 another visit down or another conversation the task 17 would then be completed correctly.</p> <p>18 Q. If Maria did not perform her job well 19 as WMI administrator what were the risks to 20 Southern?</p> <p>21 A. It ran the risk of having upset 22 customers and product not going out the door.</p> <p>23 Q. How would it upset the customers?</p> <p>24 A. Because they are not getting their 25 product.</p>	<p style="text-align: right;">Page 71</p> <p>1 M. JOHNSON</p> <p>2 was not shipped. I'd have to be there that day 3 more to see if something was not shipped.</p> <p>4 Q. You don't know whether anything that 5 she did affected the relationship with any of 6 Southern's customers?</p> <p>7 A. Not directly, no. I do not know that 8 answer for sure.</p> <p>9 Q. How about indirectly?</p> <p>10 A. All of these items were not shipped. 11 That's all I can attest to an actual report of the 12 items.</p> <p>13 Q. When you say they weren't shipped, they 14 were not listed as shipped in the system or not 15 delivered?</p> <p>16 A. Anything that was on certain reports in 17 here would not ship to the customer, would not 18 allocate to the customer.</p> <p>19 Q. Can you be more specific, I am not 20 understanding?</p> <p>21 A. So because it's a live environment an 22 item has to be in a certain status in order for it 23 to ship to a customer each night. Certain parts of 24 this report, which is Exhibit 5, were not in the 25 correct status. It is potential for it not to ship</p>
<p style="text-align: right;">Page 70</p> <p>1 M. JOHNSON</p> <p>2 Q. What other risk is there?</p> <p>3 A. The product not actually being able to 4 be shipped out the door.</p> <p>5 Q. Aside from that risk was there any 6 other risk to Southern from her not doing her job 7 correctly?</p> <p>8 A. Other than shutting the company down, 9 no. If you can't ship product, you can't do 10 business.</p> <p>11 Q. Do you know whether anything that she 12 ever did with regard to the WMI administration 13 resulted in product not being shipped to customers?</p> <p>14 A. Anything that was on these reports 15 would not ship for some certain reason. Certain 16 reports because that they would be tied and they 17 cannot ship from that location. The way that the 18 system works it has to be in a certain status in 19 order for it to ship. If it's not in the correct 20 status then it will not ship. If it's the only 21 location, the only product and it will not ship.</p> <p>22 Q. When Maria was WMI administrator was 23 there any product not shipped to a customer because 24 of what she did?</p> <p>25 A. I don't know directly that something</p>	<p style="text-align: right;">Page 72</p> <p>1 M. JOHNSON</p> <p>2 because it's not in the correct status.</p> <p>3 Q. But that is potential risk you don't 4 know if items did not ship because of what Maria 5 did?</p> <p>6 A. I cannot attest to shipping or not 7 shipping. I can attest to not ship. I don't know 8 if it did not ship. It's a live environment. You 9 would have to look to see that it did not ship to 10 that customer that day.</p> <p>11 Q. To your knowledge, did any product not 12 ship to any customer of Southern because of what 13 Maria did?</p> <p>14 A. I can't answer the question because I 15 don't have the history of that day's work.</p> <p>16 Q. I am asking you if you know?</p> <p>17 A. I don't know, no.</p> <p>18 Q. Other than what you already described 19 could Maria's failure to do her job directly result 20 in any other damage to Southern when she was WMI 21 administrator?</p> <p>22 A. I don't know of any damage that other 23 than product not shipping or wrong product 24 shipping.</p> <p>25 Q. Did Maria appear to you to be resistant</p>

October 4, 2022

<p style="text-align: right;">Page 73</p> <p>1 M. JOHNSON 2 to change? 3 A. No. 4 Q. Was she friendly? 5 A. Yes. 6 Q. Was she liked by others? 7 A. I believe so. 8 (Whereupon, Plaintiff's Exhibit 6 9 was marked for identification.) 10 Q. Can you take a moment to look at it. 11 A. Yup. (Witness perusing document.) 12 Okay. This is Plaintiff's Exhibit 6. Starts with 13 SGWS 002104 and goes to 002166. 14 Q. What is this document? 15 A. This is a document of all the aspect of 16 sheet that I had sent off in regards to the duties 17 and that were not completed. 18 Q. Who did you send this to? 19 A. Kevin Randall. 20 Q. At Mr. Randall's request? 21 A. Yes. 22 (Whereupon, Plaintiff's Exhibit 7 23 was marked for identification.) 24 Q. I am going to show you what is marked 25 Plaintiff's Exhibit 7.</p>	<p style="text-align: right;">Page 75</p> <p>1 M. JOHNSON 2 Q. When employees at a facility are 3 trained to do WMI -- 4 A. Yes. 5 Q. Was John Wilkinson trained in WMI; to 6 your knowledge? 7 A. To my knowledge he was. 8 Q. And Maria reported to him, correct? 9 A. Correct. 10 Q. What was his title again? 11 A. I believe he was a day warehouse 12 manager. 13 Q. Was it important for Maria and John to 14 have communication in order to successfully 15 implement WMI? 16 A. Yes. 17 Q. Do you know what level communication 18 they had? 19 A. I believe they daily had communication 20 verbally and emails. 21 Q. What's that based upon? 22 A. When I was there he would verbally, he 23 would come down to see how she was doing and she 24 also would be sending emails at that time as well. 25 Q. Do you have any knowledge of how often</p>
<p style="text-align: right;">Page 74</p> <p>1 M. JOHNSON 2 A. Okay. (Witness perusing document.) 3 Q. What is this document? 4 A. This is a document, Plaintiff's Exhibit 5 7, SGWS 02164 through 002209. This document has 6 the date November 23, which is the same document as 7 Exhibit 5. 8 Q. This is slightly different because this 9 is sent on -- if you look at the top email here 10 this has a date of December 1 of 2016, correct? 11 A. Yes. 12 Q. And I was referring to Plaintiff's 13 Exhibit 7, whereas the first email on Plaintiff's 14 Exhibit 5 has a date of November 28 of 2016. 15 A. So Plaintiff's Exhibit 5 and 16 Plaintiff's Exhibit 7 starts with the same exact 17 email. It's just more of a chain of the same 18 emails. And I believe this is the same 19 information. It's the same exact information. 20 It's just a further -- 21 Q. -- further forward in the chain of 22 emails or response to the chain of the emails. 23 A. Yes, if you look this further chain of 24 emails was from Elizabeth Tooig, not from Kevin. 25 This top at Kevin -- this is Elizabeth's response.</p>	<p style="text-align: right;">Page 76</p> <p>1 M. JOHNSON 2 they met when you were not sitting with Maria? 3 A. I do not have knowledge of that. 4 Q. Do you know if she was asking for help 5 from John Wilkinson? 6 A. I do not know that. 7 Q. Do you know anything that they 8 discussed between themselves other than what you 9 heard and saw when you sat with Maria in Syosset? 10 A. I do not know of any discussions. 11 Q. Do you know whether John Wilkinson 12 refused to meet with the Maria after she became a 13 WMI administrator? 14 A. I saw him with her. I don't believe 15 that he refused to see her. 16 Q. You only know about -- 17 A. When I was there. 18 Q. Which was a total of how many weeks? 19 A. Four. 20 Q. Do you have any knowledge of any 21 training or assistance that John Wilkinson gave to 22 Maria? 23 A. I do not. 24 Q. When was the last time that you spoke 25 to Maria?</p>

October 4, 2022

<p style="text-align: right;">Page 77</p> <p>1 M. JOHNSON</p> <p>2 A. I honestly don't know the exact time.</p> <p>3 Q. When did Tonisha Durant tell you that</p> <p>4 she was let go because of her performance?</p> <p>5 A. After -- I honestly don't know the</p> <p>6 date.</p> <p>7 Q. So sometime after Maria was let go you</p> <p>8 had a conversation with Tonisha?</p> <p>9 A. Yes.</p> <p>10 Q. Tonisha Durant told you that she was</p> <p>11 let go because of her performance?</p> <p>12 A. No, Tonisha told me that she was let</p> <p>13 go. She did not say it was because of her</p> <p>14 performance.</p> <p>15 Q. What lead you to believe that it was</p> <p>16 about her performance?</p> <p>17 A. I was under the assumption that she was</p> <p>18 let go because of her performance.</p> <p>19 Q. In your opinion was she able to perform</p> <p>20 the duties of a WMI administrator?</p> <p>21 A. From what I witnessed I had not seen</p> <p>22 her duties being performed 100 percent.</p> <p>23 Q. Were they performed 90 percent?</p> <p>24 A. Approximately 90 percent.</p> <p>25 Q. Are you aware of any other lawsuits</p>	<p style="text-align: right;">Page 79</p> <p>1 M. JOHNSON</p> <p>2 A. No.</p> <p>3 MR. MOSER: Thank you so much for</p> <p>4 your time. I have no further</p> <p>5 questions.</p> <p>6 MS. CABRERA: I have some questions.</p> <p>7 BY MS. CABRERA:</p> <p>8 Q. Melissa, you were asked about your</p> <p>9 training sessions with Maria Suarez. Do you recall</p> <p>10 that testimony?</p> <p>11 A. Yes.</p> <p>12 Q. You also testified that you had phone</p> <p>13 calls with her to provide her guidance; is that</p> <p>14 correct?</p> <p>15 A. Correct.</p> <p>16 Q. Between the phone calls that you had</p> <p>17 with Maria and the training that you had provided,</p> <p>18 did she at any time say to you that these were not</p> <p>19 her job responsibilities?</p> <p>20 A. No.</p> <p>21 Q. Did she at any time say to you that she</p> <p>22 didn't understand what it was that she was suppose</p> <p>23 to be doing?</p> <p>24 A. No.</p> <p>25 Q. Did she at any time say to you that she</p>
<p style="text-align: right;">Page 78</p> <p>1 M. JOHNSON</p> <p>2 other than this lawsuit against Southern?</p> <p>3 A. I was not aware of anything until this</p> <p>4 was brought up.</p> <p>5 Q. I don't want to know about anything</p> <p>6 that you discussed with your attorney. That is</p> <p>7 between you and your attorney.</p> <p>8 Did anyone else other than your</p> <p>9 attorney let you know that there were other</p> <p>10 lawsuits?</p> <p>11 A. No.</p> <p>12 Q. Have you ever witnessed any type of</p> <p>13 discrimination in the workplace since you began</p> <p>14 working at Southern?</p> <p>15 A. No.</p> <p>16 Q. Are you aware that there are two broad</p> <p>17 classifications of employees at the Syosset</p> <p>18 facility when it comes to union employees, clerical</p> <p>19 and warehouse?</p> <p>20 A. Yes.</p> <p>21 Q. Are you aware that the warehouse</p> <p>22 classification is 100 percent male?</p> <p>23 A. No.</p> <p>24 Q. Are you aware that it's been 100</p> <p>25 percent male for the past 10 years?</p>	<p style="text-align: right;">Page 80</p> <p>1 M. JOHNSON</p> <p>2 was no longer responsible for the cycle counters?</p> <p>3 A. No.</p> <p>4 Q. With regard to the Exhibit Number 2,</p> <p>5 you talked about that these are a condensed version</p> <p>6 of the duties; is that correct?</p> <p>7 A. Correct.</p> <p>8 Q. Now are these all of duties that the</p> <p>9 WMI administrator actually has to perform them or</p> <p>10 is the WMI administrator allowed to delegate any of</p> <p>11 these tasks to their direct reports?</p> <p>12 A. No, they have to do them themselves.</p> <p>13 Q. Again, did Maria ever say to you that</p> <p>14 she didn't understand any of the tasks on Exhibit</p> <p>15 Number 2?</p> <p>16 A. No.</p> <p>17 Q. What excuse did Maria provide to you</p> <p>18 for not completing these tasks?</p> <p>19 MR. MOSER: Objection as to the</p> <p>20 form.</p> <p>21 A. The only explanation I was given was</p> <p>22 that she was overwhelmed.</p> <p>23 Q. Did she ever tell you she was asking</p> <p>24 John for help and he was refusing to help her?</p> <p>25 A. No.</p>

20 (Pages 77 to 80)

October 4, 2022

<p style="text-align: right;">Page 81</p> <p>1 M. JOHNSON</p> <p>2 Q. Who initiated you coming back to</p> <p>3 Syosset for a second time to train Maria in person?</p> <p>4 A. I believe John Wilkinson. I don't know</p> <p>5 the direct person who actually requested it.</p> <p>6 Q. Where do you live?</p> <p>7 A. Syracuse, New York.</p> <p>8 Q. When you would go to Syosset how long</p> <p>9 were you there?</p> <p>10 A. A week.</p> <p>11 Q. So that was a week away from your</p> <p>12 family?</p> <p>13 A. Correct.</p> <p>14 Q. Is that anything that you wanted to be</p> <p>15 doing?</p> <p>16 A. It's something that I would do. It's</p> <p>17 not something that I would love to do but to make</p> <p>18 sure that the job is done correctly, I would do it.</p> <p>19 Q. Did Maria take notes when you were</p> <p>20 taking this extra time to sit and train her?</p> <p>21 A. Yes.</p> <p>22 Q. Would she be asking follow-up</p> <p>23 questions?</p> <p>24 A. Yes.</p> <p>25 Q. Did you have to train any other WMI</p>	<p style="text-align: right;">Page 83</p> <p>1 M. JOHNSON</p> <p>2 presented with a Performance Improvement Plan?</p> <p>3 A. I don't believe that was -- I know of a</p> <p>4 Performance Improvement Plan. I believe after the</p> <p>5 second week that I was there, not the first week.</p> <p>6 The first week was the initial go-live.</p> <p>7 Q. Although that was going to help her,</p> <p>8 something was documented at the end of that first</p> <p>9 week in October?</p> <p>10 A. I believe so.</p> <p>11 Q. What was the purpose of that</p> <p>12 documentation?</p> <p>13 A. Just that she had the knowledge of what</p> <p>14 her duties were for her job.</p> <p>15 Q. Why did she need to sign to acknowledge</p> <p>16 it?</p> <p>17 A. I don't know exactly why she had to</p> <p>18 sign, but I was assuming it was to note that it was</p> <p>19 given to her and she was knowledgeable of what her</p> <p>20 job duties were.</p> <p>21 Q. How frequently did you speak with John</p> <p>22 Wilkinson?</p> <p>23 A. Approximately once ever two to three</p> <p>24 weeks.</p> <p>25 Q. Did John ever tell you that he had</p>
<p style="text-align: right;">Page 82</p> <p>1 M. JOHNSON</p> <p>2 administrators for the additional weeks that you</p> <p>3 trained Maria?</p> <p>4 A. I had only gone back to a few locations</p> <p>5 one other week.</p> <p>6 Q. How many times did you go back to</p> <p>7 Syosset?</p> <p>8 A. I believe three.</p> <p>9 Q. So would that be an additional two</p> <p>10 times?</p> <p>11 A. Yes.</p> <p>12 Q. Did you get the sense that John was</p> <p>13 trying to help Maria or he was trying to sabotage</p> <p>14 Maria?</p> <p>15 A. Help her.</p> <p>16 Q. Why did you think that he was trying to</p> <p>17 help her and not sabotage her?</p> <p>18 MR. MOSER: Objection to the form.</p> <p>19 A. He was trying to help her so that she</p> <p>20 could have the knowledge that she needed to have</p> <p>21 for the position.</p> <p>22 MS. CABRERA: I have no further questions.</p> <p>23 BY MR. MOSER:</p> <p>24 Q. At the end of the first week in which</p> <p>25 you spent with Maria in order to help her was she</p>	<p style="text-align: right;">Page 84</p> <p>1 M. JOHNSON</p> <p>2 taken away Maria's supervisory responsibility?</p> <p>3 A. He never told me that, no.</p> <p>4 Q. Did John ever tell you that he was</p> <p>5 asking Maria to do cycle counts?</p> <p>6 A. No.</p> <p>7 Q. Is that something that she should have</p> <p>8 been doing?</p> <p>9 A. Depending on the variance. She would</p> <p>10 have to do it if was a large variance and had to</p> <p>11 double check to make sure that the count was</p> <p>12 correct.</p> <p>13 Q. If there was no large variance is cycle</p> <p>14 counting that she should have been doing as a WMI</p> <p>15 administrator?</p> <p>16 A. I don't believe so, no.</p> <p>17 Q. If she was WMI administrator should her</p> <p>18 supervisory authority have been taken away?</p> <p>19 A. I don't have that knowledge of whether</p> <p>20 it should be taken away or not. I am not the one</p> <p>21 to know that.</p> <p>22 Q. In your opinion, should John have told</p> <p>23 you that, if he took away her supervisory</p> <p>24 responsibilities?</p> <p>25 A. The responsibilities of the WMI</p>

21 (Pages 81 to 84)

October 4, 2022

<p style="text-align: right;">Page 85</p> <p>1 M. JOHNSON 2 administrator is to direct the cycle counters. I 3 don't know if he had told me or not. She had to 4 direct the cycle counters. 5 Q. If that authority had been taken away 6 should John have told you? 7 A. That would be a change in the position, 8 yes. 9 MR. MOSER: I have no further questions. 10 BY MS. CABRERA: 11 Q. Other than today have you ever heard 12 that Maria's supervisory authority had been taken 13 away from her? 14 A. No. 15 MS. CABRERA: No more questions. 16 (TIME NOTED: 1:00 p.m.) 17 _____. 18 Melissa Johnson 19 Subscribed and sworn to 20 Before me this ____ day 21 _____, 2022. 22 23 _____ 24 NOTARY PUBLIC 25</p>	<p style="text-align: right;">Page 87</p> <p>1 M. JOHNSON 2 3 EXHIBITS PAGE 4 Plaintiff's Exhibit 5 5 Emails48 6 7 Plaintiff's Exhibit 6 8 Duties not completed.....73 9 10 Plaintiff's Exhibit 7 11 12 RE Q U E S T S 13 NUMBER PAGE 14 1. Insert address of cousin's house 29 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 86</p> <p>1 M. JOHNSON 2 I N D E X 3 EXAMINATION BY PAGE 4 MR. Moser 4, 82 5 6 MS. CABRERA 79, 85 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 88</p> <p>1 M. JOHNSON 2 C E R T I F I C A T E 3 State of New York) 4 County of Nassau) 5 I, Camille Dandola, a Shorthand Reporter 6 and Notary Public of the State of New York, do 7 herby certify: 8 9 That, MELISSA JOHNSON, the witness whose 10 examination is hereinbefore set forth, was 11 duly sworn, and that such examination is a 12 true record of the testimony given by such 13 witness. 14 15 I further certify that I am not related 16 to any of the parties to this action by blood 17 or marriage; and that I am in no way 18 interested in the outcome of this matter. 19 20 _____ 21 _____ 22 Camille Dandola 23 24 25</p>

22 (Pages 85 to 88)

October 4, 2022

1 ERRATA SHEET FOR: MELISSA JOHNSON
2 MELISSA JOHNSON, being duly sworn, deposes and
3 says: I have reviewed the transcript of my
4 proceeding taken on 10/04/2022. The following
5 changes are necessary to correct my testimony.

6 PAGE LINE CHANGE REASON
7 -----|-----|-----|-----
8 -----|-----|-----|-----
9 -----|-----|-----|-----
10 -----|-----|-----|-----
11 -----|-----|-----|-----
12 -----|-----|-----|-----
13 -----|-----|-----|-----
14 -----|-----|-----|-----
15 -----|-----|-----|-----
16 -----|-----|-----|-----
17 -----|-----|-----|-----
18 -----|-----|-----|-----
19 -----|-----|-----|-----
20 -----|-----|-----|-----
21 -----|-----|-----|-----
22 -----|-----|-----|-----
23 Witness Signature: _____

24 Subscribed and sworn to, before me
25 this ____ day of _____, 20 ____.

25 (NOTARY PUBLIC) MY COMMISSION EXPIRES